

## EXHIBIT 65

aa@neg.com

**From:** Southwest Airlines <no-reply@southwest-communications.com>  
**Sent:** Monday, May 24, 2021 6:07 PM  
**To:** aa@neg.com  
**Subject:** Southwest Airlines Response to your Inquiry (Case #23602896)



Dear Aaron,

Thank you for your email. Beginning March 14, 2021, Southwest Airlines will consider applications for exemptions from this mask requirement from Passengers with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability. Several conditions apply that must be completed/adhered to prior to travel and receiving a mask exemption. For more details on this policy and for access to the submission form, please visit [here](#).

If you have any additional questions or concerns, please feel free to contact us anytime at 1-800-I-FLY-SWA (1-800-435-9792).

Sincerely,

Mike

Southwest Airlines

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2702 Love Field Drive  
Dallas, TX 75235

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## Customers with Disabilities

### Notice of Disability

### Exemption to Federal Mask Requirement on Southwest Airlines

### Assistance in the Airport

Federal law requires each person, 2 years of age and older, to wear a mask at all times throughout the flight, including during boarding and deplaning. Refusing to wear a mask is a violation of federal law and may result in denial of boarding, removal from the aircraft, and/or penalties under federal law.

### Security Screening

**Southwest Airlines will consider applications for exemptions from this mask requirement from Passengers with a disability who cannot wear a mask, or who cannot safely wear a mask because of the disability.**

### Wheelchairs & Other Devices

Per guidance from the U.S. Department of Transportation, airlines are permitted to impose certain requirements or conditions on a person requesting an exemption from the mask requirement.

#### Please comply with the following pre-travel steps:

### Allergies

At least seven (7) days prior to the Passenger's planned date of travel, a Passenger requesting a mask exemption for travel on Southwest Airlines must complete and submit the following via [Southwest.com>Contact Us>Send a Message.>Email Us: Comment/Question>Disability>Future Travel Assistance:](#)

### Cognitive Disabilities

1. A fully completed copy of this form executed by the Passenger making the request, or if the Passenger requesting a mask exemption is a minor child, the parent or guardian of such minor child; and

### Deaf or Hard of Hearing

2. A signed letter from the requesting Passenger's Medical Physician on the Physician's letterhead stating that the Passenger with a disability has a recognized medical condition precluding the wearing or safe wearing of a mask because of their disability.

### Blind Or Low Vision

Once Southwest Airlines receives a mask exemption application in line with the above criteria, at Southwest's request to Passenger, Passenger may undergo a private medical screening (over the phone) with a third-party medical provider (Southwest Airlines' vendor StatMD).

### Medication

If Southwest preliminarily approves a mask exemption after reviewing the Passenger's PDF document and the Medical Physician's letter and after receiving the third party medical provider's affirmation for travel, if required, Southwest will contact you at the phone number or email address provided below to discuss any need to change your travel dates and/or flights and remind you of the need to obtain a qualifying COVID negative viral test.

### Medical Oxygen

No later than 24 hours prior to the Passenger's scheduled departure(s), Passenger must provide evidence of Passenger's qualifying COVID negative viral test result. A qualifying COVID negative viral test result is defined as:

### Portable Oxygen Concentrators

A physical or electronic documentation of a qualifying COVID negative viral test taken within three (3) calendar days preceding the Passenger's scheduled date of travel. A viral test means a viral detection test for current infection, which is a nucleic acid amplification test with observation approved or authorized by the relevant national authority for the detection of SARS-CoV-2.

### Non-Passenger Escort

**Note:** Roundtrip travel will require an additional qualifying COVID negative viral test result taken within three (3) calendar days preceding the Passenger's scheduled date of return travel and submitted no later than 24 hours prior to the Passenger's scheduled departure, unless the Passenger's return flight is within three (3) calendar days of the date of the initial negative COVID-19 departure test.

### Mask Exemptions

### Your Rights

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Share knowledge and learn from travelers just like you.  
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**From:** aa@neg.com  
**Sent:** Tuesday, January 11, 2022 2:31 PM  
**To:** 'alex.taday@dot.gov'  
**Subject:** FW: Southwest Airlines Response to your Inquiry (Case #36157578)

Mr. Taday,

Please see the response below from Southwest Airlines regarding this case.

They are saying that a person with Covid 19 presents a direct threat, and therefore they're entitled to deny access to anyone who does not apply in advance, fill out specific applications, and get approved in advance.

The problem is that I do not have Covid and they have no evidence that I have Covid.

Evaluation of direct threat needs to be individualized, as per ACAA.

Just saying someone with Covid is a direct threat does not give them license to force all people to go through an unnecessary process in order to fly without a mask.

Besides, I have done that process with other airlines, and as expected, they didn't let me on anyway. The processes are there just to discourage someone like me from even trying.

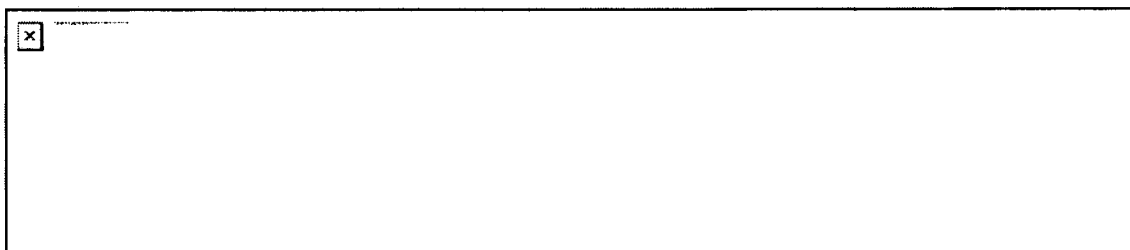
Please file this response in the file for this case.

It would be extremely helpful if your office can clarify the laws and correct these misinterpretations as soon as possible. To this point, I can still barely get a flight to anywhere, as due to my disability, I cannot wear a mask.

Thank you,

Aaron Abadi

**From:** Southwest Airlines <no-reply@southwest-communications.com>  
**Sent:** Tuesday, January 11, 2022 2:04 PM  
**To:** aa@neg.com  
**Subject:** Southwest Airlines Response to your Inquiry (Case #36157578)



Dear Aaron,

We received your follow-up email. I recognize that it has taken us some time to respond to your concerns due to the high Customer inquiry volumes we are experiencing, but I appreciate the opportunity to respond.

I'm sorry for your continued disappointment regarding our mask policy and mask exemption process. I understand you still have some concerns and believe we are not in compliance with the Air Carrier Access Act (ACAA). I assure you that we are fully aware of all laws and regulations protecting passengers with disabilities and strictly prohibit discrimination in any form.

We do not limit the number of passengers with a disability on a flight, so we are not failing to comply with §382.17.

Regarding §382.19 and §382.21, as you note, airlines may not refuse transportation to passengers with disabilities on the basis of a disability unless there is a safety issue or the passenger's condition poses a direct threat. Based on our analysis, a Customer with COVID-19 would likely pose a direct threat since evidence shows COVID-19 can be spread by someone who does not have symptoms. As such, because of public health guidance recognizing the important role of face coverings in preventing the transmission of COVID-19, Southwest will temporarily refuse to transport any passenger who does not qualify for a disability related mask exemption and is unable to or chooses not to wear a mask. With this in mind, we are not failing to comply by doing so.

We do not require passengers seeking a mask exemption, or passengers whose mask exemption applications have been approved, provide a medical certificate in order travel. We are not failing to comply with §382.23 as such.

We agree that, in most cases, an airline cannot ask for advance notice from a passenger with a disability, in order to travel. However, one of the conditions allowed by the CDC Order (federal mask mandate) is that persons seeking an exemption from the requirement to wear a mask may have to request an accommodation in advance. As permitted by the CDC Order, Southwest does request that Customers submit a completed application in advance. We are not failing to comply with §382.25 in this regard.

We are not imposing restrictions on passengers with a disability that we do not impose on other passengers as we require all passengers—regardless of whether or not they have a disability—to wear a mask throughout their travel. Additionally, only qualified persons with disabilities are granted exemptions to

travel without a mask as allowed by the aforementioned CDC order. With all of this in mind, we are not failing to comply with §382.33.

Finally, as I mentioned in the email I sent you following your complaint to the Department of Transportation (DOT), you were denied an exemption to our policy because you did not submit a completed exemption application. While you have provided us a doctor's note on more than one occasion, you still have not included the required completed mask exemption Passenger application form. As I noted before, we are more than happy to reevaluate your exemption request should you chose to reapply with all the required information. You can find our requirements for an exemption and instructions to apply on our website.

We appreciate your patronage and hope to welcome you onboard soon.

Jen McCleskey  
Senior Specialist, Customer Advocacy

This email is being sent from a "no-reply" email address. You may follow-up with us on our website. Additionally, by law, I'm required to inform you that should you wish to pursue this matter further, you may contact the U.S. Department of Transportation.



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